

Revised: 06/20/08	ARIZONA DEPARTMENT OF EDUCATION GUIDELINE & PROCEDURE	NO. EX - 9
SUPERSEDES: 5/08 & Prior		SHEET 1 of 5 (See attached)
SUBJECT: ESS- Federal FAPE		FILING INSTRUCTIONS (Guidelines & Procedures Manual) Section: External As item: EX - 9

I. PURPOSE

- A free appropriate public education (FAPE) will be available to all children within the boundaries of responsibility of the public agency, including children with disabilities who have been suspended or expelled from school as provided for in §300.530(d) of the IDEA regulations.

II. GUIDELINE/PROCEDURE

- See Attached

LOCATOR	YES/NO	FREE APPROPRIATE PUBLIC EDUCATION (FAPE) Policy & Procedure Checklist
		POLICY
		A free appropriate public education (FAPE) will be available to all children within the boundaries of responsibility of the public agency, including children with disabilities who have been suspended or expelled from school as provided for in §300.530(d) of the IDEA regulations.
		PROCEDURES
		<p>§300.306 AND, IF APPLICABLE, 300.308</p> <p>All Public Agencies will make the determination that a child is eligible for special education and related services on an individual basis by a properly constituted team.</p> <p>§300.101 FREE APPROPRIATE PUBLIC EDUCATION</p> <p>1) <u>For PRESCHOOL CHILDREN (3 to 5)</u> Unified Districts and Elementary Districts will:</p> <ul style="list-style-type: none"> a) Make FAPE available no later than the child's third birthday; b) Ensure that an IEP or an IFSP is in effect for each child by that date; c) Ensure that a child's IEP Team determines the date when services under the IEP or IFSP will begin if a child's third birthday occurs during the summer. <p>Union High School Districts and Charter Schools will: Refer any children who are suspected of having a disability to the appropriate Unified District or Elementary District for evaluation and, if appropriate, for services.</p> <p>2) <u>For SCHOOL-AGED CHILDREN (5 TO 21)</u> All Public Agencies will make FAPE available to any child who needs special education and related services, even though the child has not failed or been retained in a course or grade, and is advancing from grade to grade.</p>
		<p>ARS 15-764 POWERS THE SCHOOL DISTRICT GOVERNING BOARD OR COUNTY SCHOOL SUPERINTENDENT</p> <ul style="list-style-type: none"> 1) The public agency will establish policy and procedures with regard to allowable pupil-teacher ratios and pupil-staff ratios within the PEA or county for provision of special education services. 2) The special education programs and services provided shall be conducted only in a school facility which houses regular education classes or in other facilities approved by the division of special education.
		<p>§300.105 ASSISTIVE TECHNOLOGY</p> <ul style="list-style-type: none"> 1) The public agency will ensure that assistive technology devices or services or both will be available to a

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		<p>child with a disability, if required, as a part of:</p> <ul style="list-style-type: none"> a) special education b) related services c) supplementary aids and service. <p>2) On a case-by-case basis, the public agency will ensure the use of school-purchased assistive technology devices in a child's home or other setting if the child's IEP Team determines that the child needs access to those devices in order to receive FAPE.</p>
		<p>§300.106 EXTENDED SCHOOL YEAR SERVICES (ESY)</p> <ul style="list-style-type: none"> 1) The public agency will make extended school year services available as necessary to provide FAPE to children with disabilities. <ul style="list-style-type: none"> a) ESY services will be provided only if a child's IEP team determines, in accordance with §§300.320-300.324, that the services are necessary for the provision of FAPE. b) Services will not be: <ul style="list-style-type: none"> i) limited to a particular category of disability; or, ii) unilaterally limited to the type, amount, or duration of services. 2) The ESY services that are provided to a child with a disability will: <ul style="list-style-type: none"> a) Be provided beyond the normal school year of the agency; b) Be provided in accordance with the child's IEP; c) Be provided at no cost to the parents of the child; and d) Meet the standards of the State.
		<p>§300.107 NONACADEMIC SERVICES</p> <ul style="list-style-type: none"> 1) The public agency will afford children with disabilities an equal opportunity for participation in nonacademic and extracurricular services and activities including, as determined appropriate and necessary by the child's IEP team, the provision of supplementary aids and services. 2) Nonacademic and extracurricular services and activities may include counseling services, athletics, transportation, health services, recreational activities, special interest groups or clubs sponsored by the public agency, referrals to agencies that provide assistance to individuals with disabilities, and employment of students, including both employment by the public agency and assistance in making outside employment available.
		<p>§300.108 PHYSICAL EDUCATION</p> <ul style="list-style-type: none"> 1) The public agency will make regular physical education services available to children with disabilities to the same extent that the agency provides those services to children without disabilities, unless: <ul style="list-style-type: none"> a) The child is enrolled full time in a separate facility; or

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		<p>b) The child needs specially designed physical education as prescribed in the child's IEP.</p> <p>2) If a child is enrolled in a separate facility, the public agency will ensure that the child receives appropriate physical education services.</p> <p>3) If special physical education is prescribed in a child's IEP, the public agency will provide for those services, either directly or through other public or private programs.</p>
		<p>§300.110 PROGRAM OPTIONS</p> <p>The public agency will ensure that children with disabilities have available to them the variety of education programs and services that are available to nondisabled children, including art, music, industrial arts, consumer and homemaking education, and vocational education.</p>
		<p>§300.113 ROUTINE CHECKING OF HEARING AIDS AND EXTERNAL COMPONENTS OF SURGICALLY IMPLANTED MEDICAL DEVICES</p> <p>1) The public agency will ensure that the hearing aids worn in school by children with hearing impairments are functioning properly; and</p> <p>2) The external components of surgically implanted medical devices (e.g., cochlear implants) are functioning properly, except that the agency will not be responsible for any post-surgical maintenance, programming or replacement of any component, external or internal, of the medical device.</p>
		<p>§300.154 METHODS OF ENSURING SERVICES</p> <p>1) The public agency may use the Medicaid or other public benefits or insurance programs in which a child participates to provide or pay for services required under IDEA, as permitted under the public benefits or insurance program, except that the public agency:</p> <ul style="list-style-type: none"> a) may not require parents to sign up for or enroll in public benefits or insurance programs to receive FAPE; b) May not require parents to incur out-of-pocket expenses such as payment of a deductible or co-pay for services required by IDEA, but may pay the cost that parents otherwise would be required to pay; c) May not use a child's public benefit if that use would: <ul style="list-style-type: none"> i) decrease lifetime benefits; ii) result in the family paying for non-school services that would otherwise be paid for by public benefits; iii) increase premiums or lead to discontinuation of benefits; or iv) risk loss of eligibility. <p>2) The public agency must notify parents that their refusal to allow access to their public benefits does not relieve the agency of its responsibility to provide all required IDEA services.</p>

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		3) The public agency must obtain parent consent consistent with §300.09 each time that access to public benefits are sought.